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FM AMEMBASSY ASTANA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2256
INFO RUCNCIS/CIS COLLECTIVE 0481
RUCNOSC/OSCE POST COLLECTIVE
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RUEHVEN/USMISSION USOSCE 1902

C O N F I D E N T I A L SECTION 01 OF 04 ASTANA 000767

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E.O. 12958: DECL: 04/18/2018

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SUBJECT: KAZAKHSTAN: NEW LEGISLATION THREATENS RELIGIOUS
FREEDOM

REF: (A) ASTANA 113 (NOTAL) (B) ASTANA 411 (NOTAL)

Classified By: Pol/Econ Chief Steven Fagin, Reasons 1.4 (b) and (d)

SUMMARY

¶1. (SBU) On April 2, a group of parliamentarians introduced draft amendments to Kazakhstan's laws governing religious organizations. Among other things, the amendments would require all religious groups in the country to re-register under more restrictive procedures; limit the activities of smaller groups; establish a quota system and require local government consent for missionaries; and prohibit all financial contributions from foreign or anonymous donors. Though the Ministry of Justice claimed that the amendments are purely a parliamentary initiative, their introduction follows a coordinated campaign by the Ministry of Justice to increase political and public support for changes to the law, through increased public pressure and criticism of non-traditional religious groups and "sects." The Mazhilis conducted a public hearing on the legislation on April 17. According to participants, the legislation appears to be on the fast track for approval, and deputies showed little interest in inviting outside input or review. End summary.

PROPOSED LEGISLATION TIGHTENS GOVERNMENT CONTROL

¶2. (SBU) On April 2, six Mazhilis deputies and two senators introduced draft amendments to Kazakhstan's laws governing religious organizations. Among other things, the amendments would:

-- establish new procedures for registering a religious organization, and divide such organizations into local religious organizations (formed within one administrative unit upon the initiative of at least 10 adult citizens) and central religious organizations (formed upon the initiative of local religious organizations registered on the territory of more than half of the oblasts for at least 10 years);

-- create a new category of entity called a "religious group", subject to a simplified registration procedure but sharply restricted in its activities. Such groups would be permitted to engage in religious activities only among members of the group, and would be forbidden from producing religious literature or products, maintaining facilities open to the public for religious worship or meetings, or preaching and teaching outside of the group;

-- require all existing religious organizations (or

organizations involved in religious activities, but not currently registered as a religious organization) to re-register under the new law within two years from the date it becomes effective;

-- prohibit all financial and other contributions from foreigners and anonymous donors, and require religious organizations to receive contributions with the assistance of cash registers and with the participation of local government officials; (Note: This provision would prohibit the common practice of collecting tithes by passing a collection plate during a church service. End note.)

-- require religious organizations to provide the government with information about the fundamentals of the religion and its associated practices, including information about the history of the religion, forms and methods of its operation, its perspective on marriage, family relations, education, and the health of its followers, and restrictions for its members and priests concerning human rights and liabilities;

-- establish that registration of a religious group previously unknown in Kazakhstan may be suspended for up to six months;

-- in the event the government denies registration, require that the government provide written justification for the denial and establish a right of appeal to court;

-- prohibit entities not registered as a religious organization from conducting religious activities, unless the entity is formed by a registered religious organization (Note: According to a comment in the text of the draft legislation, this provision is aimed at various public funds

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and charities that are actually involved in religious education and preaching. End note.)

-- establish that the relationship between the government and religious organizations will take into account the influence of the religious organization on the development of spiritual and cultural traditions of the people of Kazakhstan;

-- establish that religious organizations may be subject to theological analysis by representatives of religious organizations, public organizations, government agencies, theologians, lawyers, and other experts upon request by a citizen or a government agency;

-- define missionary activity as religious-educational activity on behalf of a religious organization beyond the territory of its activity (the region where the organization is registered), and establish a yearly quota system for missionaries, taking into account the views of local government agencies on the number and affiliation of missionaries that should be permitted in their territory;

-- prohibit religious organizations that force a split in families, hinder high school education, damage the morale or health of citizens, or force citizens to give their property to the organization or its leaders

-- prohibit religious organizations that force citizens to get involved in their operations or hinder them from quitting, including through the use of force or threat of force, dependence, hypnosis, or deceit;

-- require written consent from the parents or guardians of underage children for their participation in any religious gatherings or groups;

-- establish procedures for registering a religious educational organization;

-- require that the full and short name of a religious

organization must contain an indication of its religion, and a religious organization must use its full name during its operations;

-- prohibit religious organizations from conducting worship services or religious rites and ceremonies in private dwellings, except in cases of ritual need where the rights and interests of neighbors are observed;

-- require local government authorization for the construction of a religious facility;

-- require expert theological review of all religious books and materials, and restrict their public distribution to public places, public transport, public streets, and during visits to citizens' dwellings at the initiative and approval of the citizens;

-- significantly increase fines and penalties for violating the law.

13. (SBU) According to Ninel Fokina, chairperson of the Almaty Helsinki Committee, the legislation represents a significant and aggressive restriction of religious freedom. She said the legislation is part of a trend throughout the CIS and Shanghai Cooperation Organization to tighten control over religious groups. In her analysis, the legislation is aimed at evangelical Protestants, Jehovah's Witnesses, Scientologists, and Hare Krishnas, all of whom have been singled out for criticism by various government officials and the media over the past few years. She predicted that most of these groups will be pushed into the new "religious group" category, which essentially prohibits proselytizing, and only traditional groups such as state-approved Islamic groups, the Russian Orthodox Church, the Catholic Church, and the Jewish community will be able to gain religious organizations status. Fokina speculated that a few of the more onerous provisions may be dropped before final passage to pacify critics.

GOVERNMENT DENIES IT IS BEHIND THE AMENDMENTS

14. (SBU) On April 11, Ardak Doszhan, the new chairman of the Religious Issues Committee in the Ministry of Justice, told us that these amendments were drafted and introduced by members of parliament, not the government. He claimed that the Ministry of Justice was not involved in drafting or

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proposing the legislation. (Comment: Doszhan's claim contradicts earlier statements from deputy chairman of the Religious Issues Committee Amanbek Mukhasov, who told us that the Religious Issues Committee was drafting legislation and arguing for its inclusion on the legislative agenda this year. Ministry of Justice officials in Shymkent also told us last month that the Ministry of Justice was working on new legislation. End Comment.)

15. (SBU) Doszhan explained that members of parliament rarely introduce legislation themselves, but there are special procedures allowing them to do so. In accordance with these procedures, he explained that the Cabinet reviewed the legislation and offered general approval, with some reservations. (Note: The draft amendments were accompanied by a comment signed by Prime Minister Masimov that included a few technical reservations, but offered "general support" for the draft law. End note.) He said that the Religious Issues Committee will function as an expert during the legislative process, and will present the government's viewpoint and reservations. He said the government was still in the process of forming its viewpoint. Doszhan referred questions concerning timing and process to the Mazhilis, and told us that parliament is responsible for deciding whether to submit the legislation to the OSCE for expert review.

MOMENTUM BUILDING OVER SEVERAL MONTHS

16. (SBU) Despite Doszhan's position that the amendments are the result of a parliamentary initiative, the Ministry of Justice and other supporters have been building public and political support for new restrictions over the past several months. The legislation follows the December 2007 adoption of a Ministry of Justice program that specifically called for new legislation to restrict missionaries and nontraditional religious groups, a January 2008 speech by President Nazarbayev criticizing foreign missionaries and calling for new legislation to stop "religious radicalism" and extremism, and a February and March 2008 surge in negative media coverage of non-traditional religious groups, which was consistent with the educational aims of the Ministry of Justice program. (Refs A, B)

LEGISLATION ON TRACK FOR QUICK PASSAGE

17. (SBU) Fokina attended an April 17 public hearing organized by the Mazhilis to discuss the legislation. She described the public hearing as carefully orchestrated, and attended by several NGOs, previously unknown to her, who claimed to represent victims of religious extremism and sects. She described most deputies as very aggressive in their support of the legislation and very uninterested in considering international norms. She asked deputies for the opportunity to provide outside expertise and analysis of the legislation, and asked how long she would have to provide such an analysis. According to Fokina, the deputies told her that it was too late. In her analysis, the legislation is on track for passage within one month.

18. (C) OSCE Human Dimension Officer Eugenia Benigni and Political Adviser to the EU Special Representative for Central Asia Jens Beikuefner also attended the hearing and shared Fokina's characterization of the event. Benigni spoke at the hearing and encouraged the deputies to submit the legislation to ODIHR for its review, though the deputies made no commitment to do so. According to Fokina and Beikuefner, the deputies agreed to create a working group for further discussion of the legislation, though both believe that only a few deputies were genuinely interested in further discussion and input.

COMMENT

19. (C) Kazakhstan often prides itself on its religious freedom record and tradition of inter-faith tolerance. This legislation, if adopted in its current form, would severely restrict the freedom of evangelical Christians, Jehovah's Witnesses, Hare Krishnas, and other "non-traditional" groups, and would formalize what critics such as Fokina already allege: that inter-faith tolerance in Kazakhstan applies only to certain favored traditional religious groups. Supporters of this legislation knew it would be controversial, and have developed significant momentum

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through a careful political and public relations campaign. The government may be willing to drop a few provisions in order to show moderation and pacify critics. Indeed, supporters likely orchestrated the legislation's introduction by individual parliamentarians in order to take pressure off the government and give it room to maneuver. We believe it will take sustained engagement by us and our like-minded partners to ensure that the most objectionable provisions are dropped. End Comment.
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